

(31)  
1-30-01  
SC

DMB:KLM:slg:2000V00797

ORIGINAL

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

PAUL LEE,

Plaintiff

v.

UNITED STATES OF AMERICA, et al.

Defendants

:  
:  
:  
:  
:  
:

Civil No. 1:CV-000086  
(Kane, J.)  
**FILED**  
**HARRISBURG**

JAN 29 2001

DEFENDANTS' MOTION TO DISMISS AND  
FOR SUMMARY JUDGMENT

MARY E. D'ANDREA, CLERK  
Per   
DEPUTY CLERK

The Defendants United States of America and Bureau of Prisons asks the Court to dismiss the amended complaint pursuant to Fed. R. Civ. P. 12(b) and to grant summary judgment in its favor pursuant to Fed. R. Civ. P. 56(b). A brief in support of this motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that she has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted,

DAVID M. BARASCH  
United States Attorney



KATE L. MERSHIMER  
Assistant U.S. Attorney  
SHELLEY L. GRANT  
Paralegal Specialist  
217 Federal Building  
228 Walnut Street  
P.O. Box 11754  
Harrisburg, PA 17108

Dated: January 29, 2001

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

PAUL LEE, :  
Plaintiff :  
v. : Civil No. 1:CV-00-00486  
UNITED STATES OF AMERICA, et al. : (Kane, J.)  
Defendants :

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

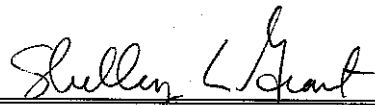
That on January 29, 2001, she served a copy of the attached

**DEFENDANTS' MOTION TO DISMISS AND  
FOR SUMMARY JUDGMENT**

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Paul Lee  
Reg. No. 01656-087  
FCI Elkton  
P.O. Box 89  
8730 Scroggs Road  
Elkton, Ohio 44415

  
\_\_\_\_\_  
SHELLEY L. GRANT  
Paralegal Specialist